

Honolulu, Hawaii

APR - 5 2006

RE: H.B. No. 1947  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which  
was referred H.B. No. 1947 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to clarify that any decision  
of the State, the Department of Transportation, the counties, or  
any officer, employee, or agent thereof, to select or apply  
flexible highway design shall not give rise to a cause of action  
or claim against them.

Your Committee received testimony in support of this measure  
from the Department of Transportation, the Department of the  
Corporation Counsel for the City and County of Honolulu, Consumer  
Lawyers of Hawaii, and an individual.

Your Committee finds that this measure enacts statutory  
amendments that were intended to be included in Act 185, Session  
Laws of Hawaii 2005 (Act 185), which enacted the original law.  
Your Committee notes that the Director of Transportation requested  
an extension of the deadline provided in section 3 of Act 185 from  
June 30, 2006, to June 30, 2007, for the Director of  
Transportation to establish flexible highway design guidelines.  
However, in consideration of the agreement reached among various  
government officials and communities as to the existing deadline  
of June 30, 2006, the Chair agreed to a compromise to extend the  
deadline to December 31, 2006.



Your Committee has amended this measure to insert a section extending the deadline provided in section 3 of Act 185 from June 30, 2006, to December 31, 2006, for the Director of Transportation to establish flexible highway design guidelines. Your Committee also amended this measure to change the effective date from July 1, 2006, to June 1, 2006 to ensure that the deadline, which is set for June 30, 2006, is extended without lapsing.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1947, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1947, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Hawaiian Affairs,



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COLLEEN HANABUSA, Chair



**The Senate  
Twenty-Third Legislature  
State of Hawaii**

**Record of Votes of the  
Committee on Judiciary and Hawaiian Affairs  
(Bills and Resolutions)**

Measure:*	Committee Referral:	Date:		
HB 1947	TGO, JHW	3/30/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span><input type="checkbox"/> Pass, unamended (2312)</span> <span><input checked="" type="checkbox"/> Pass, with amendments (2311)</span> <span><input type="checkbox"/> Hold (2310)</span> <span><input type="checkbox"/> Recommit (2313)</span> </div>				
Members	Ayes	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)	/			
HEE, Clayton (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
IHARA, Jr., Les	/			
WHALEN, Paul	/			
TOTAL	6	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span><input checked="" type="checkbox"/> Adopted</span> <span><input type="checkbox"/> Not Adopted</span> </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span><b>Distribution:</b></span> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

\*Do not list more than one measure per Record of Votes.